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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,836	12/21/2000	Edward O. Clapper	42390P10784	8616

7590

06/20/2002

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,836

Applicant(s)

CLAPPER

Examiner

Binh K. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Dec 21, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-24 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☒ Claim(s) 12-18 and 21-24 is/are allowed.

6) ☒ Claim(s) 1-11, 19, and 20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Moen (U.S. Pat. #: 5,592,537).

Regarding claim 1, Moen teaches a method comprising:

receiving a communication from a user via a first communication device (i.e., receiving a telephone call from a child via a payphone);

receiving data identifying a message card (i.e., receiving a pin input from the child as identity of a help card; col.8, lines 20-36); and

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sending message data to second communication device (i.e., playing a message indicating that the child has called for help and been being referred to the police at the police telephone number; col.8, lines 43-45).

Regarding claim 2, note col.3, lines 61-67.

Regarding claims 3-4, note col.8, lines 24-45.

Regarding claims 5-7, Moen further teaches the system automatically selecting the child parent's telephone number to dial based on the child's help card information stored in the database and sending the message related to the help of the child to the parent (col.8, lines 38-45).

3. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Henderson (U.S. Pat.#: 6,278,862).

Regarding claims 19-20, Henderson teaches an apparatus such as the network central office 77 as shown in figure 4 for use in making a communication from a first communication device (i.e., telephone 13) to a second communication device (i.e., pager 91) coupled to a communication network such as telecommunication network 9 as shown in figure 4, the apparatus comprising:

a memory such as message buffer 81 having recorded therein, a customer ID message for delivery to the second communication device upon usage of the apparatus at the first communication device; and

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a destination specifier for specifying a predetermined one of the second communication devices to which the customer ID message should be delivered (col.9, line 21 - col.11, line 26).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moen (U.S. Pat.#: 5,592,537) in view of Henderson (U.S. Pat.#: 6,278,862).

Regarding claims 8-11, Moen teaches all subject matters as claimed above, except for receiving the message data and data indicating the user's selection of the message data, etc. from the user. However, Henderson teaches such features in col.3, line 4 - col.4, line 61 for a purpose of indicating to called party the purpose of the call and who is calling.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the features of receiving the message data and data indicating the user's selection of the message data, etc. from the user, as taught by Henderson, into view of Moen in order to indicate to the called party the purpose of the call as well as who is calling.

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Allowable Subject Matter

6. Claims 12-18 and 21-24 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: As noted from the above cited prior art against claims 1-11 and 19-20, the prior art of record fails to clearly teach an apparatus such as a calling card for use in making a communication from a first communication device to a second communication device coupled to a communication network, having a memory for recording therein, a substantially unique identity value for use in authenticating usage of the calling card and a pre-programmed customer ID message for substitution in place of the respective caller ID value of a telephone at which the calling card is used for delivery to the second communication device upon authenticated usage of the card, as recited in the independent claims 12 and 21.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moen (U.S. Pat.#: 5,438,615 and U.S. Pat.#: 5,864,604) each discloses the same scope of invention as in Patent 5,592,537 as applied above.

Kowalski (U.S. Pat.#: 6,310,943 and 5,982,866), Clark (U.S. Pat.#: 6,370,241) and Malik (U.S. Pat.#: 5,903,636) each teaches a system and a method for providing calling party

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identification (ID) information to a called party over a calling card call. The caller ID information is looked up and retrieved, at a central office or the like, based on calling card or card account information as a predetermined message for substitution in place of the respective caller ID value of a telephone at which the calling card is used. Those above references fails to teach **the calling card and credit card having the memory to store a predetermined message for substitution in place of the respective caller ID value of a telephone at which the calling card is used**, as recited in independent claims 12 and 21.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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or faxed to:

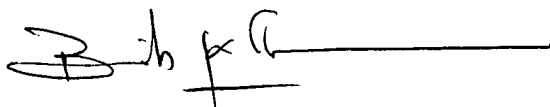
(703) 872-9314

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist, tel. No. 703-305-4700).

A handwritten signature in black ink, appearing to read 'Binh Tieu', followed by a horizontal line.

BINH TIEU
PRIMARY EXAMINER

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Date: June 15, 2002